United Nations A/54/178

General Assembly

Distr.: General
27 July 1999

Original: English

Fifty-fourth session
Item 39 of the provisional agenda*
Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Letter dated 19 July 1999 from the Permanent Representative of Romania to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a "Code of Democratic Conduct", which was recently finalized within the framework of the follow-up mechanism of the Third International Conference of New or Restored Democracies on Democracy and Development, which was held in Bucharest, from 2 to 4 September 1997 (see annex).

As an acting chair of the Conference, oriented towards setting up concrete measures to support Governments in the process of democratization, Romania committed itself, during the ministerial level meeting of the follow-up mechanism, held in New York on 22 September 1998, to work for the drafting of such a "Code".

The final text represents the result of a collective effort undertaken in a spirit of openness and cooperation, by representatives of Governments and United Nations bodies, as well as by academics and representatives of non-governmental organizations.

The provisions of the Code, stemming from the political document adopted by the Third Conference, as well as from other internationally accepted documents, aims at recommending a basic set of norms of democratic conduct for Governments in the exercise of power (free, fair and competitive elections, separation of powers, respect for human rights and fundamental freedoms, strengthening the rule of law and appliance of practices of good governance, increasing participation of civil society in the development of democracy, creating an economic environment favourable to democracy and enhancing social cohesion and solidarity, etc).

We are willing to promote the "Code of Democratic Conduct" during the fifty-fourth session of the General Assembly as a contribution to the affirmation of a "democratic culture", capable of bringing United Nations peoples closer, on the eve of the twenty-first century.

* A/54/150

99-21890 (E) 290799

Therefore, I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 39 of the preliminary list.

(*Signed*) Ion **Gorita**
Ambassador Extraordinary and Plenipotentiary

Annex

Code of Democratic Conduct

The General Assembly

I. Recalling the provisions of the United Nations Charter concerning the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion;

II. Bearing in mind the indissoluble links between the principles enshrined in the Universal Declaration of Human Rights and the foundations of any democratic society;

III. Noting that all societies are faced with complex emerging issues in an era of globalization and interdependence;

IV. Reaffirming its commitment to the process of democratization of societies, and acknowledging the relationship of interdependence and mutual reinforcement that exists between democracy and development;

V. Sharing a commitment to democracy and personal freedom that favours the enjoyment of national sovereignty and development;

VI. Aware of the imperative need to better involve civil society in the decision-making process that affects the life of people;

VII. Commending the commitments and recommendations approved by the countries that participated in the Conferences of New and Restored Democracies (Manila 1998, Managua 1994, Bucharest 1997);

VIII. Encouraged by the wish of the respective countries to devote their energy, means and political will to the building of a world where citizens have the opportunity to shape their own destiny;

IX. Recognizing that:

i. A democratic system of government is essential for the fulfilment of the political, economic and social aspirations of all the peoples around the world;

ii. Free and fair elections as well as separation of powers among the legislative, the executive and the judicial bodies are minimum requirements of any democratic society;

iii. Democracy, good governance and participation are of crucial importance for the conduct of governments in service to their peoples;

iv. Protection and promotion of human rights and fundamental freedoms are the first responsibility of governments.

X. Determined to:

i. Maximize participation by the citizenry in public affairs;

ii. Improve transparency of institutions and policy-making procedures;

iii. Enhance the accountability of public officials.

XI. Mindful of the need to agree upon a basic set of democratic norms in the exercise of power by governments;

Decides upon the following Code of Democratic Conduct, by which Member States are called upon to:

1. Consolidate democracy through the promotion of pluralism, the protection of human rights and fundamental freedoms, maximizing the participation of citizens in decision-making and the development of competent public institutions, including an independent judiciary, responsible legislature and public service and an electoral system that ensures free and fair elections.

2. Promote respect for human rights and fundamental freedoms and the dignity and worth of the human being continuously, by:

(a) Protecting the freedom of speech, the independence of the mass media and freedom of assembly;

(b) Providing equal access to justice through the rule of law and protection of fundamental civil and political rights;

(c) Developing peaceful conflict resolution mechanisms in order to eliminate the use of violence as a way of solving disputes;

(d) Developing institutional support and comprehensive strategies for preventing and solving inter-ethnic and inter-religious tensions;

(e) Ensuring and respecting the rights of persons belonging to national minorities and indigenous people in connection with their needs;

(f) Ensuring and respecting the rights of persons belonging to vulnerable groups, including children, women and the elderly, and persons with physical or mental disabilities;

(g) Providing special human rights training for civil servants, police forces and the military;

(h) Acceding and adhering to international instruments on human rights;

(i) Promoting the principle of gender equality, within the national programmes and policies, in view of the equality between men and women in public and private life.

3. Develop an electoral system that consistently ensures free, fair and competitive elections, in particular by:

(a) Respecting the equality of all citizens before the law and guaranteeing the right to elect their political leaders at regular intervals, according to their own interests and will;

(b) Taking measures to improve the representation of citizens through electoral mechanisms;

(c) Promoting legislation, institutions and mechanisms for encouraging the formation of political parties and their practice of internal democracy;

(d) Allowing campaigns to receive public financing and electoral costs to be transparent;

(e) Allowing also small parties and independent candidates to participate in elections;

(f) Providing credibility in the sustainability of the electoral process;

(g) Assuring that obstacles to full public participation will not occur;

(h) Guaranteeing free and equitable access to the media.

4. Strengthen the rule of law by:

(a) Providing equal protection of laws to all persons;

(b) Guaranteeing equality of application of laws to all persons;

(c) Improving continuously the efficiency of the judiciary and its capacity to render justice independently from the executive and legislative;

(d) Assuring high quality in judicial selection and adequate funding of judicial personnel and facilities;

(e) Further developing civil laws to assure reliability for persons and organizations;

(f) Applying fair procedures and treatment in the criminal justice system.

5. Strengthen democracy through the practices of efficient governance and promote sustainable human development, by:

(a) Taking legal, administrative and political measures against corruption;

(b) Solving conflicts within countries, in a participatory spirit and with full respect for domestic and international law;

(c) Enhancing, by means of legislation, institutions and mechanisms, the accountability of public officials;

(d) Bringing government closer to the people by promoting appropriate levels of decentralization and giving local authorities the power to effectively govern at local level, while strictly observing the constitution and the law;

(e) Disseminating and ensuring public access to information about the activities of the national and local authorities as a means to hold public officials accountable;

(f) Offering training and engaging in process of continuous improvement of the civil service to assure high levels of competence, ethics, professionalism and cooperation with the public;

(g) Developing and strengthening civic education to create broad awareness of the rights and responsibilities of citizens, including at school levels;

(h) Ensuring access by all to administrative remedies on the basis of equality as well as respect for administrative decisions both by state bodies and representatives of public authority and by each member of society;

(i) Assuring that implementation of tax legislation is efficiently and fairly administered and making recommendations for more effective legislation.

6. Create and improve the legal framework and necessary mechanisms for institutionalizing the participation of the civil society in the development of democracy, by:

(a) Respecting the diversity of society, by promoting associations, dialogue structures, mass media and their interactions, as a means of strengthening and developing democracy;

(b) Fostering, through education and other vehicles of culture, a democratic way of life;

(c) Encouraging citizens to organize themselves into associations committed to enforce check and balances of arbitrary exercise of power, when necessary;

(d) Guaranteeing mechanisms for the involvement of the civil society in the decision-making process;

(e) Providing or improving the legal framework in relation to the recognition of non-governmental, community-based and other civil society organizations;

(f) Developing cooperation between local authorities and non-governmental organizations;

(g) Allowing active civic education by organizations, in the spirit of democracy, responsible citizenry and tolerance.

7. Create an economic environment favourable to democracy, by:

(a) Undertaking appropriate reforms in order to meet the legitimate social and economic expectations of the population;

(b) Taking effective measures meant to gradually bridge the gap between the poor and the rich and alleviate poverty;

(c) Promoting economic freedom, encouraging entrepreneurship and simplification of administrative procedures;

(d) Pursuing an active policy to promote opportunities of any and all citizens to find employment and sustainable livelihood;

(e) Ensuring equal access to economic opportunities and equal rewards for work of equal value;

(f) Participating in the development of global economy by taking responsibilities, coping with possible negative effects and sharing benefits;

(g) Promoting a legislative and regulatory framework designed to attract investments to accelerate economic development.

8. Enhance social cohesion and solidarity by:

(a) Developing and strengthening the democratic institutions to mediate tensions and maintain balance between the competing claims of diversity and uniformity, individuality and collectivity;

(b) Encouraging tripartite cooperation with respect to labour relations among government, trade unions and employer organizations;

(c) Promoting norms for ethical behaviour in the public life and establishing procedures to uphold and monitor it;

(d) Developing and strengthening formal and informal education dedicated to building local capacities for managing conflict and promoting mutual respect, tolerance and coexistence.

9. Develop further international cooperation in consolidating democratic institutions, respect for all human rights and fundamental freedoms and the rule of law.